

# Proposed Accessory Dwelling Unit Additions to Egremont Zoning Bylaw September 24, 2020

Article 1: To make the following changes and additions to the Egremont Zoning Bylaw:

1. To Section 2. DEFINITIONS, add the following:

**ACCESSORY DWELLING UNIT (ADU):** A detached dwelling unit on the same lot as a primary dwelling or principal building, and that contains at least one bathroom and facilities for cooking and sleeping.

**GROSS FLOOR AREA OF AN ACCESSORY DWELLING UNIT:** The sum of the floor areas in the unit, including finished basements, mezzanines and intermediate floor levels. Non-enclosed areas, whether covered by a roof or not, such as a balconies and porches, and utility structures attached to an Accessory Dwelling Unit, such as garages or carports, are exempt from the Gross Floor Area.

And add the following words in bold to:

**ACCESSORY USE OR STRUCTURE:** A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure, **but not including an Accessory Dwelling Unit.**

2. To Section 4.1.1.2. Uses and Structures Permitted in the General District by Right, add the following subsection:

- h.** Accessory Dwelling Unit not exceeding 800 square feet of Gross Floor Area on the same lot as a One- or Two-Family Dwelling, subject to the intensity regulations specified in §4.1.2.1.b. and the special requirements specified in §4.1.2.3.c.

3. To Section 4.1.1.3.a. Uses and land structures which may be authorized by the Planning Board by Special Permit in accordance with provisions of this Bylaw, add the following subsections:

- iv.** Accessory Dwelling Unit exceeding 800 square feet of Gross Floor Area, but not to exceed 1200 square feet of Gross Floor Area, subject to the intensity regulations specified in §4.1.2.1.b. and the special requirements specified in §4.1.2.3.c.
- v.** Accessory Dwelling Unit in a structure built after 10/13/2020 with side and rear setbacks of at least 25 feet and less than 50 feet, subject to all other intensity regulations specified in §4.1.2.1.b. and all special requirements specified in §4.1.2.3.c.
- vi.** Accessory Dwelling Unit on the same lot as a permitted retail business or consumer service establishment, subject to the applicable intensity regulations specified in §4.1.2.1.b. and the special requirements specified in §4.1.2.3.c.

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4. To Section 4.1.2.1.b. Table of Intensity Regulations, add the words and numbers shown in bold below:

Use	Minimum Lot Area	Minimum Frontage in Feet	Minimum Yard in Feet			Maximum Height in Feet <sup>2</sup>
			Front <sup>1</sup>	Side	Rear	
One Family	1 Acre	150	40	25	25	35
Existing One Family Converted to Two Family, <b>Provided There Is No ADU on the Lot</b>	<b>1 Acre</b>	<b>150</b>	<b>40</b>	<b>25</b>	<b>25</b>	<b>35</b>
<b>Accessory Dwelling Unit with One Family in a Structure Built Before 10/13/2020</b>	<b>1 Acre</b>	<b>150</b>	<b>40</b>	<b>25</b>	<b>25</b>	<b>35</b>
<b>Accessory Dwelling Unit with One Family in a Structure Built After 10/13/2020</b>	<b>1 Acre</b>	<b>150</b>	<b>40</b>	<b>50</b>	<b>50</b>	<b>35</b>
Two Family	2 Acres	150	40	25	25	35
<b>Accessory Dwelling Unit with Two Family</b>	<b>2 Acres</b>	<b>150</b>	<b>40</b>	<b>50</b>	<b>50</b>	<b>35</b>
<b>Accessory Dwelling Unit with Retail Business or Consumer Service Establishment with No Dwelling Unit</b>	<b>1 Acre</b>	<b>150</b>	<b>40</b>	<b>50</b>	<b>50</b>	<b>35</b>
<b>Accessory Dwelling Unit with Retail Business or Consumer Service Establishment with One Dwelling Unit</b>	<b>2 Acres</b>	<b>150</b>	<b>40</b>	<b>50</b>	<b>50</b>	<b>35</b>
Multi-Family	2.5 Acre <sup>3</sup>	150	75	50	50	35
All Other Principal Uses <sup>4</sup>	1 Acre	150	40	25	25	35
Private Garages, Sheds and Such Other Accessory Building	-	-	40	25	25	35

1. Measured from the right-of-way line where a plan of the way is on file with the Registry of Deeds, or in the absence of such plan, the front set-back shall be a minimum of sixty-five (65) feet from the center line of the travel way.

2. The height restrictions do not apply to agricultural buildings or structures, spires, chimneys, antennae or other appurtenances usually placed above roof level and not intended for human occupancy.

3. For the first three (3) dwelling units plus one half (1/2) acre of usable land for each additional dwelling unit.

4. Except as provided in §4.1.2.3.b.ii

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5. To Section 4.1.2.2.a. of Section 4.1.2 General Intensity Regulations for the General District, add the following words in bold:

- a. No more than one (1) dwelling or principal building shall be located on a lot, **except as provided for in Sections 4.1.1.2.h., 4.1.1.3.a.iv., 4.1.1.3.a.v., and 4.1.1.3.a.vi.**

6. To Section 4.1.2.3 Special Intensity Regulations for the General District, add the following subsection:

- c. Accessory Dwelling Unit special requirements
  - i. Only one ADU may be located on a lot.
  - ii. ADUs are prohibited on lots with Multi-Family dwellings.
  - iii. An accessory structure larger than 800 square feet that complies with the intensity regulations specified in §4.1.2.1.b. may be converted to an ADU with a Gross Floor Area of up to 800 square feet by right, or converted to an ADU with a Gross Floor Area between 800 and 1200 square feet by Special Permit, provided that the remaining area of the structure shall not be used as living space and that all other regulations in §4.1.2.3.c. are met.
  - iv. The ADU must be in the same ownership as all other dwelling units on the lot.
  - v. For a lot with one dwelling unit and an ADU, no more than one unit may be rented at a time. For a lot with two dwelling units and an ADU, no more than two (of the three) units may be rented at a time.
  - vi. Mobile homes, campers, trailers, recreational vehicles and other wheeled structures shall not qualify as an ADU.
  - vii. The use of a room or rooms in an ADU may be allowed by a resident occupant for practice of his or her occupation or craft, provided that any external evidence of any business is not detrimental to the rural type environment of the area.
  - viii. An ADU may be located on the same lot as a permitted retail business or consumer service establishment, provided that the lot does not also contain a Two-Family or Multi-Family Dwelling.